

April 27, 2009

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APRIL 27, 2009

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
PAT TORPEY
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

REGULAR MEETING

MR. KANE: I'd like to call to order the April 27, 2009 meeting of the New Windsor Zoning Board of Appeals.

APPROVAL OF MINUTES DATED MARCH 23, 2009

MR. KANE: Motion to accept the minutes of March 23 meeting as written.

MR. DITTBRENNER: So moved.

MR. BEDETTI: I'll second it.

ROLL CALL

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MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS:

PATRICIA_LEVIN_(09-12)

MR. KANE: Patricia Levin request for area variance for lot size of 2 lots at 293 Union Avenue in an R-4 zone.

Mr. William Hildreth appeared before the board for this proposal.

MR. KANE: Please state your name and address for the record.

MR. HILDRETH: William Hildreth, call me Bill, please. I'm a land surveyor that performed the survey, prepared the plan for the applicant. The property is just under an acre, 41,000 and some square feet, it's on the corner of Union Avenue and Spruce Street, also has a little bit of frontage on Danier Avenue just east of the Union Avenue 32 station where the new Hess station is. You can see by the drawing that the original house that was built is tucked all the way in the western end and it leaves a very large yard. The proposal here is to divide this lot into two lots and this parcel into two lots with the house on one lot and the other lot vacant for sale. Due to the current zoning which is one acre, we need some area square footage area variance, all of the rest of the setback requirements in the new zoning would be met by the newly created vacant lot. There are two substandard setbacks on the existing house which are obviously pre-existing and that's the whole reason for the appearance to the ZBA is the area variance.

MR. KANE: So basically we have the gross lot, net lot, front yard?

MR. HILDRETH: It's a square footage issue.

MR. KANE: And the minimum livable area?

MR. HILDRETH: That's the pre-existing one.

MR. KANE: The requests are well over 50%, that's large.

MR. HILDRETH: Yes, numerically yes, I can get into it tonight, the attorney she has addressed it that item 9 in the application fairly well I think with a couple typed pages.

MR. KANE: For the public portion of the hearing if you could compare lot sizes to other lot sizes that are in the neighborhood.

MR. HILDRETH: Yes, I did bring a tax map that I threw together tonight just to show you. If that's something that you think I should formally produce at the public hearing I'd be happy to do so.

MR. KANE: I think so.

MR. HILDRETH: That covers most of the notices that are going to be sent out, too. The newly created lot just so you know is going to be as big or bigger than more than half of the ones that are already there.

MR. KANE: I think in the public it would be good to address it since the numbers are high.

MR. HILDRETH: Numerically they are.

MR. KANE: Any questions?

MR. BEDETTI: The existing house is on which lot?

MR. HILDRETH: It's all the way to the left, lot number 1, yes.

MR. KANE: And on lot 2 the service entrance is

actually not going to be from Union but from Spruce Street?

MR. HILDRETH: Yes, there's a note to that effect right in the middle of the vacant lot, I tried to put it someplace where you'd find it.

MR. KANE: I saw it. Other questions at this point?

MS. LOCEY: No.

MR. TORPEY: Nothing. Coming in off Union?

MR. HILDRETH: No, at the risk of sounding like I'm telling you what to do, drive by it, it screams for a house there.

MR. TORPEY: An old lady lives in that house.

MR. HILDRETH: She passed away, that's why we're here.

MR. TORPEY: Daughter in the back corner owns it?

MR. HILDRETH: Different daughter, I guess this is a daughter but it's the only one I'm dealing with, it's the only one that owns the property.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Patricia Levin for area variances as detailed on their application on the agenda dated April 27, 2009.

MR. DITTBRENNER: Second that motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE

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MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: See you at the public hearing.

MR. HILDRETH: The date is as we discussed?

MS. JULIAN: Yes, I'll call you tomorrow to verify.

MR. HILDRETH: Thanks, no problem.

MR. KANE: Have a good evening.

JOHN_&_PHYLLIS_DRENNEN_(09-13)

MR. KANE: Next preliminary hearing is John and Phyllis Drennen, request for area variance for existing cabana that doesn't meet the minimum 10 foot side and 10 foot rear yard setback at 22 Ona Lane in an R-4 zone. Good evening.

Mr. and Mrs. John Drennen appeared before the board for this proposal.

MR. KANE: Tell us exactly what you want to do here for the record and speak loud enough for the young lady over there to hear you.

MR. DRENNEN: Well, we're looking for a variance because it sets back a little further than what it should so we're here to hopefully proceed.

MR. KANE: I'll ask a couple questions, I'll take the shed first, the shed, how long has it been in existence approximately?

MR. DRENNEN: Fifteen years. More than that? I was overruled.

MRS. DRENNEN: It's way more.

MR. DRENNEN: Twenty-five years.

MR. KANE: Is the shed itself do you remember or know if there was any cutting down of any substantial trees or vegetation in the building of the shed?

MR. DRENNEN: No.

MR. KANE: Create any water hazards or runoffs in the building of the shed?

MR. DRENNEN: No.

MR. KANE: Any easements running through the area where the shed is?

MR. DRENNEN: I don't believe so.

MR. KANE: Is the shed similar in size and nature to other sheds that are in your neighborhood?

MR. DRENNEN: I would say so, yeah.

MR. KANE: Any complaints formally or informally about the shed over the last 15 to 30 years?

MR. DRENNEN: No.

MR. KANE: Okay. And then the same with the cabana, about how long has that been there?

MR. DRENNEN: Approximately, 10 years, 11, 10, yeah, 10, 11 years.

MR. KANE: And same thing, cut down any substantial vegetation and trees in the building of the cabana?

MR. DRENNEN: No.

MR. KANE: Any easements running through the area?

MR. DRENNEN: Not that I'm aware of.

MR. KANE: Any complaints formally or informally about the cabana?

MR. DRENNEN: No.

MR. KANE: At this point, moving either one of those would be a hardship?

MR. DRENNEN: I would say so, yes.

MR. KANE: Further questions from the board at this time?

MR. BEDETTI: No.

MR. KANE: I'll accept a motion.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for John and Phyllis Drennen for their shed and the cabana for property line setback requirements as listed.

MR. DITTBRENNER: I'll second that motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: So you understand we have a preliminary meeting in New Windsor because a lot of towns do one meeting, you don't come in prepared, we say no, you've got to wait six months to come back. So we did a preliminary this way we get, it wasn't a waste of your time if we need more information, if we need certain pictures we can tell you so we do it at the public, every decision we make has to be done at a public hearing in a public forum so this kind of sets everything up and everybody can have the proper information so they have a fair chance. Okay, and that will tell you everything you need to do.

MS. JULIAN: This is what we need you to do next. Remember you came in with the envelopes? We can do that tomorrow if you'd like.

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MR. DRENNEN: Very good, I might be there tomorrow.
Thank you.

MR. KANE: Thank you.

ENVER_HAKAJ_(09-14)

MR. KANE: Request for area variance for proposed 15 diameter pool which will not meet minimum 10 foot side yard setback at 2311 Pioneer Trail. Same thing you want to just explain to the board what you want to do, state your name and address so she can get it down.

MRS. HAKAJ: I'm Mersada (phonetic) Hakaj.

MR. HAKAJ: Enver Hakaj.

MRS. HAKAJ: On the side that we want to put the pool it's, the ground is settled, on the other side where there's more room it's not settled, it's gravel and we would need to do a lot of work on that side so that's why we're choosing to do it, the back yard is fenced in and it's an above the ground pool.

MR. KANE: So you feel it will be a safer placement on that side of the house?

MR. HAKAJ: Yes.

MRS. HAKAJ: Yes.

MR. KANE: For the record, is this a 15 round pool?

MR. HAKAJ: It's 15 x 30 oval pool.

MR. KANE: It's a 15 x 30 oval pool, okay.

MR. HAKAJ: Yes.

MR. KANE: Fifteen diameter so they're going just across, there's no length issue?

MR. HAKAJ: Just 30 feet, might have 7 feet clearance on both sides and if we have to push it like 10 foot from the house foundation so it's safer four or five

feet from the fence.

MR. KANE: And you have three foot braces that come out of the side of those? Is that a buttressless pool? Does it have braces on the side or it's not built yet?

MR. HAKAJ: Nothing, we didn't want to buy a pool without your decision.

MR. KANE: The pool itself is it going to have the braces on the side or is it a buttressless pool where there's no supports?

MR. HAKAJ: No supports.

MR. KANE: All connected underneath?

MR. HAKAJ: Yes.

MR. KANE: I've been in the pool business for 25 years.

MR. HAKAJ: First time we're buying a pool.

MR. KANE: Normally the outriggers on the side they extend three feet out of the side so yours are connected, they trench down and connect?

MR. HAKAJ: Yes.

MR. KANE: Cutting down any substantial vegetation or trees?

MR. HAKAJ: No.

MR. KANE: And you won't be creating any water hazards or runoff?

MRS. HAKAJ: No.

MR. HAKAJ: No.

MR. KANE: No easements going through where the pool is?

MRS. HAKAJ: No.

MR. KANE: And you understand that even if we give you permission to do this you'll have to meet all the requirements from the building department?

MR. HAKAJ: Of course.

MR. KANE: Cause I think there's some new ones starting last year, some alarms.

MR. HAKAJ: Yeah.

MR. KANE: Any further questions from the board?

MR. BEDETTI: You have a couple pictures here.

MR. HAKAJ: Can I approach?

MR. KANE: Yes.

MR. BEDETTI: Is this where the pool is going to be on this side? That's the neighbor's house? What's the contour of the land there, is it pitched away?

MR. HAKAJ: No, it's--

MR. BEDETTI: Is it flat?

MR. HAKAJ: It's almost flat except close to my house probably it's like a foot elevation, has to have a little elevation from the house so whatever we have to do, probably hire an installer to just level it.

MR. KANE: When the installer comes in they'll level that whole thing.

MR. HAKAJ: Just a little bit, maybe it's this much different.

MR. KANE: They'll build up with Item 4 rather than a dig in because you need the height requirement for the wall because I would assume that it would be better off with an Item 4 buildup than a dig in.

MR. BEDETTI: I was asking question because I had an above-ground pool that after a couple years let go, fortunately the pitch of my land took the water over my own property and out to the road and down the sewer which was not a big deal but I was wondering a situation like this would the neighbor be in danger of getting washed out?

MR. HAKAJ: No, worst case scenario it would run in a, it would be far from there like, probably like 30 feet away from the New Windsor Recreation Center baseball fields.

MRS. HAKAJ: We're right behind.

MR. KANE: Look at this, is this a rock wall that's back here?

MR. HAKAJ: Yes, sir.

MR. KANE: Frank, just from my experience on seeing these things, worst thing that's going to happen it's going to dig a trench through the ground, it's going to hit the rock wall and spread it out, it's just going to trench right down in, goes underneath the wall when it lets go.

MR. BEDETTI: Contour of the land because the water's going to go with the contour of the land.

MR. HAKAJ: We took the picture, just for safety

reasons there was a fence.

MS. LOCEY: Are you on a corner lot?

MR. HAKAJ: We're not a corner, we're the last lot, it's a dead-end.

MS. LOCEY: So that doesn't mean they have two front yards?

MR. KANE: No.

MR. HAKAJ: That's what we thought but no, we're not a corner lot.

MS. LOCEY: And the other side of your house where it would be more difficult to install or locate--

MRS. HAKAJ: It's not settled, there's boulders.

MR. HAKAJ: When they built the house, we, I'm sorry--

MS. LOCEY: Right, my question is if there were a way of putting the pool there would you need variances or is there enough room?

MR. HAKAJ: Same thing, just level that and bring it to a--

MS. LOCEY: You still would need variances?

MR. HAKAJ: Definitely.

MS. LOCEY: Okay.

MR. KANE: That's the point you want to make in the public hearing.

MS. LOCEY: Even though it's more difficult on the other side it's more difficult, more costly and you

still would need the variances, just makes it unrealistic to put it there.

MR. HAKAJ: Yes.

MR. KANE: Any further questions? I'll accept a motion.

MR. DITTBRENNER: I would move that we forward the application for Enver Hakaj as it relates to a variance request for side yard setback for the install of a proposed 15 foot by 30 foot pool at 2311 Pioneer Trail.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: This sheet will tell you everything you need to do next. If you have any questions, call the zoning office.

MR. HAKAJ: Thank you very much.

FORMAL DECISIONS

H. VAN LEEUWEN	P. COPPOLA
E. BIAGINI	R. SOLLAS
SIGN LANGUAGE	A. CYPRESS
AVAN REALTY	G. HAWKINS
L. LYONS	D. SCHIAROLI
POOOR PEDDLER, INC.	COWAN'S JEWELERS
J. CHANNELL	

MR. KANE: We have numerous formal decisions, if everybody cares to take them under one vote, up to you guys, I'll accept a motion.

MS. LOCEY: I'll offer a motion to accept the formal decisions as detailed on the agenda of the Zoning Board of Appeals meeting dated April 27, 2009 agenda.

MR. TORPEY: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

